

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Leslie Ross-Collins,)	
)	
Plaintiff,)	
)	
v.)	07 C 213
)	
Meijer, Inc.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Meijer Stores Limited Partnership ("Meijer"), erroneously sued as Meijer, Inc., has filed its Answer to the slip-and-fall Complaint brought against it by Leslie Ross-Collins ("Ross-Collins"). This sua sponte memorandum order is triggered by some problems with that responsive pleading.

To begin with, the Complaint and Answer do not at all confirm the existence of diversity jurisdiction. Meijer's counsel inexplicably admits the allegations of Complaint ¶2, which erroneously describes it as a Michigan corporation with its principal place of business outside of Illinois. But there is no excuse for any federal practitioner being unaware by this time that the relevant citizenship of a limited partnership for diversity purposes has nothing to do with its place of formation or its principal place of business. Instead the presence or absence of the required diversity is a function of the citizenship of every partner, whether general or limited (something that may require peeling several layers off of the jurisdictional onion if any of

those members are themselves partnerships).

Accordingly Meijer's counsel is ordered to file a supplement to the Answer on or before March 2, 2007 that provides the necessary information to enable this Court to determine the existence or nonexistence of diversity jurisdiction. This Court will then act on the newly-submitted information promptly.

One other aspect of the Answer requires correction. Answer ¶ 3 fails to conform properly to the disclaimer that is permitted by the second sentence of Fed.R.Civ.P. 8(b) -- see App. ¶ 1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 278 (N.D. Ill. 2001). Answer ¶ 3 is therefore stricken, but with leave granted to file an amendment to the Complaint (not a self-contained entire Amended Complaint) correcting that error on or before the same March 2, 2007 date.



Milton I. Shadur
Senior United States District Judge

February 20, 2007